

* The TCPA is not just a telemarketing law. It was enacted both to regulate certain telemarketing practices as well as to regulate practices outside telemarketing such as the use of pre-recorded message calls and autodialers regardless of the message being delivered in the call.

* Uninvited calls to cell phones impose a cost the recipient and generate tremendous outrage, particularly when they are autodialed or pre-recorded message calls.

* Autodialed or pre-recorded message calls made to cell phones are an invasion of privacy regardless of whether the call is a telemarketing call, a debt collection call, or any other kind of uninvited call.

To the Federal Communications Commission:

This comment is in opposition to the ACA Petition

A few things I missed in my prior comments need to be accentuated.

I agree with other commenters that in all cases that companies identify themselves as required in 47 USC 227(d). Collection agencies must be required to abide by this section as congress provided no exemption for it. There are arguments that the name of a collections company may give away the fact that the call is in regards to debt collection and may give a third party who is not the debtor notice that creditors are seeking restitution from the targeted individual. This can be simply handled by a name change of the collection agency. This may actually improve their odds of not being hung up on as well. Additionally, any creditor may make the ability to call the debtor them on any phone they own a condition of being granted credit. Under these circumstances, there is no need to change the regulations.

There is no exemption for calls to cell phones for which the consumer may be charged. Debtors who are charged for their calls may not be called. I erroneously mentioned in my prior complaints that the FCC had no authority to exempt ALL calls to cell phones. The FCC has no authority to grant an exemption if the caller is charged for the call. Even so, a call with a prerecorded message to a non-debtor should not be allowed under any circumstance because it is a violation of the privacy rights of non-debtor consumers that the act was written to protect. It really shouldn't matter who calls, a cell phone is a mobile device carried into churches, libraries and automated prerecorded calls are very much an invasion of privacy. Creditors should not be allowed to call willy nilly any cell phone looking for a debtor. If the commission decides to allow calls to telephones for which the consumer is not charged (which I hope they do not), there must be a basis for calling that number, ie the debtor has given them that number. However, as above, no changes are necessary if the creditors require a valid phone which they can call to collect, and it solves the problem of calling people who are not the debtor.

There are compelling safety reasons for not allowing uninvited calls to cell phones. Unlike land lines, the phones go everywhere, including with the consumer when driving. Distracting drivers creates a safety hazard. Collections agencies have no clue where a consumer is when they are called, nor what their mental state is when receiving a collection call. Collections calls are distressing to almost everybody and that kind of distraction may cause serious traffic accidents involving many people.

The ban on calls to cell phones does not cover only sales or telemarketing calls, it covers a variety of issues and the argument that they aren't selling something isn't applicable.

Given that there are ways in which a collections agency may solve their problem, there is no need for the commission to change the rules for collections agencies.

Jeff Mitchell